

TOWN OF DEWEY-HUMBOLDT

Right-of-Way Encroachment Permit Application Packet



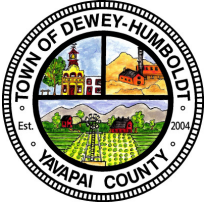
CHECKLIST, PERMIT, AND FREQUENTLY ASKED QUESTIONS

May 2010

Town of Dewey-Humboldt
Right-of-Way Encroachment Permit Application Packet

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TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
PHONE 928-632-7362·FAX 928-632-7365

Right-of-Way Encroachment Permit Checklist

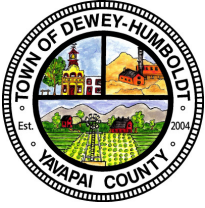
The purpose of this permit checklist is to provide an applicant with concise directions for obtaining an encroachment permit. The Town is authorized to require this permit per Town Code § 92.15. More specifically, this permit is to accommodate installation and placement of objects within Town Rights-of-Way while providing for the public health, safety and general welfare, and protecting the natural environment. The intent is to provide for public safety, improve traffic flow on streets and roads, and assure that such Rights-of-Way are free of physical obstructions. This is accomplished by establishing construction standards, based on sound engineering principles, to protect the physical integrity of streets, roads and other Rights-of-Way and their associated drainage systems.

All Right of Way Encroachment Permit Applications must contain the following:

- Encroachment Permit Application completed and signed
- Encroachment Permit Fee per fee schedule
- Site Map - The site map shall show all major features affecting the encroachment. See the Frequently Asked Questions (FAQ) section for site map requirements. A sample site plan is attached.
- Improvement Plans – A plan showing the details of the encroachment (mailbox, utility facility, sign, landscaping, driveway surface, culvert, excavation)

Upon submission of all applicable details the Public Works Department will analyze the encroachment. The Public Works Department will be looking for acceptable sight distances, drainage considerations, or any factor that may impact the public safety, health, and general welfare.

Permit #: _____



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Right-of-Way Encroachment Permit

APPLICATION FOR PERMIT TO USE DEWEY-HUMBOLDT ROADS AND RIGHTS OF WAY

◇	Activity	Fee	Penalty	◇	Activity	Fee	Penalty
◇	R/W Landscaping	\$265	\$530	◇	Pulling Wire	\$265	\$530
◇	Mailbox	\$10	\$20	◇	Driveway Access Surface	\$265	\$530
◇	R/W Excavation	\$265	\$530	◇	Renewal	\$164	

Penalties are assessed for work done without first obtaining permit

The undersigned herewith applies for a permit to enter in upon and use a portion of right-of-way of Dewey-Humboldt right-of-way for the purpose of: any tower, pole, pipe, pipeline, concrete or paved driveway, private road, fence, billboard, stand or building or any structure or object of any kind or character not particularly mentioned in this section, which is placed in, under or over any portion of the right-of-way.

Address: _____
Assessors Parcel Number: _____

Encroachment request description (please attach site plan and details of encroachment):

Applicant's Name (Print): _____
Address: _____
City: _____ State: _____
Zip: _____
Applicant's Phone #: _____ Fax #: _____
Mobile #: _____ Email: _____

Contractor (Print): _____
Address: _____
City: _____ State: _____
Zip: _____
ROC#: _____
Contractor's Phone #: _____ Fax #: _____
Mobile #: _____ Email: _____

This application has been duly signed this _____ day of _____ 20____.

Applicant's Job #: _____ Related Permit #: _____

Applicant's Signature: _____

Signature indicates acceptance of permit conditions/specifications and requirements maps

The Encroachment Owner will be the Permittee. By signing this application, the Encroachment Owner/Permittee and the Applicant hereby acknowledges that the information given and statements made in this application are true and correct to the best of his/her knowledge. The Encroachment Owner agrees as the Permittee to accept the following General Obligations and Responsibilities as described on page 3-4 of the application. By accepting an approved encroachment permit, the Permittee agrees to the requirements described in the permit, to be responsible for all permit requirements, and to comply with the Town's requirements as set out in the permit.

This permit is approved with the following requirements:

EFFECTIVE DATE: _____ **PERMIT EXPIRATION DATE:** _____

(Expiration Date is 30 days from Effective Date)

BY: _____ ISSUE DATE OF PERMIT: _____

PERMIT FEE: _____ CHECK#: _____ RECEIPT#: _____

PAID DATE: _____

RENEWAL FEE: _____ CHECK#: _____ RECEIPT#: _____

PAID DATE: _____

***MANDATORY 24 HOURS NOTICE: (928)632-7362 ; FAX: (928)632-7365**

**** ALL IMPROVEMENTS DISTURBED IN THE TOWN RIGHT OF WAY SHALL BE RESTORED TO A CONDITION EQUAL TO OR BETTER THAN THE PREVIOUS CONDITION**

PERMITTEE SHALL NOTIFY THE ONE-CALL NOTIFICATION CENTER 48 HOURS PRIOR TO DIGGING AT: 1-800-STAKE-IT

GENERAL OBLIGATIONS AND RESPONSIBILITIES

THE PERMITTEE AND/OR APPLICANT AGREES TO THE FOLLOWING:

1. Assume all legal liability and financial responsibility for the encroachment activity for the duration of the encroachment, including indemnify, defend, and hold the Town of Dewey-Humboldt and any of its agents, directors, officers, employees harmless from and against any and all claims, actions, losses, liabilities, costs, damages, or expenses, including court costs, reasonable attorney's fees, and costs of claim processing and investigation, arising out of bodily injury or death of any person, or tangible or intangible property damage, caused, or alleged to be caused, in whole or in part, by the negligent or willful acts, or omissions of the Permittee, any of its directors, officers, agents, employees, or volunteers, or its contractor or subcontractors. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the contractor's failure to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. The Permittee is not responsible for claims arising solely from the Town's negligent or willful acts or omissions. The Permittee and/or contractors and subcontracts may be required to procure insurance with specified limits naming the Town of Dewey-Humboldt as additional insureds.
2. Comply with Environmental Laws.
 - a. Environmental Laws refers collectively to any and all federal, state, or local statute, law, ordinance, code, rule, regulation, permit, order, or decree regulating, relating to, or imposing liability or standards of conduct on a person discharging, releasing or threatening to discharge or release or causing the discharge or release of any hazardous or solid waste or any hazardous substance, pollutant, contaminant, water, wastewater or storm water, and specifically includes, but is not limited to: The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act; the Comprehensive Environmental Response, Compensation and Liability Act, as amended; the Toxic Substances Control Act; the Clean Water Act (CWA); the Clean Air Act; the Occupational Safety and Health Act; the Arizona Water Quality Act Revolving Fund Act, the Arizona Hazardous Waste Management Act, any applicable National Pollutant Discharge Elimination System (NPDES) or Arizona Pollution Discharge Elimination System (AZPDES) permit, any applicable CWA Section 404 permit, or any local pretreatment or environmental nuisance ordinance.
 - b. The Permittee specifically agrees that in the course of performing any activity for which this Permit is necessary:
 - i. To comply with any and all Environmental Laws;
 - ii. To ensure that no activity under this Permit shall cause the Town to be in violation of any Environmental Laws;
 - iii. That if the Permittee fails or refuses to comply with any Environmental Laws, or causes the Town to be in violation of any Environmental Laws, the Town may at its sole and unreviewable discretion, (1) revoke this

Permit; (2) require the Permittee to undertake corrective or remedial action to address any release or threatened release or discharge of the hazardous substance, pollutant or contaminant, water, wastewater or storm water; and (3) expressly consents to entry of injunctive relief to enforce any listed remedies.

- iv. To indemnify the Town for any losses, damages, expenses, penalties, liabilities or claims of any nature whatsoever suffered by or asserted against the Town as a direct or indirect result of the disposal, escape, seepage, leakage, spillage, discharge, emission, or release of any hazardous waste, solid waste, hazardous substance, pollutant or contaminant, water, wastewater or storm water and losses, damages, expenses, penalties, liabilities and claims asserted or arising under the Environmental Laws, or for the Town's costs in undertaking corrective action pursuant to an order of or settlement with a duly authorized regulatory agency or injured third party or for any penalties associated with Permittee's activities;
3. Be responsible for any repair or maintenance work to the encroachment for the duration of the encroachment;
4. Comply with the Manual on Uniform Traffic Control Device traffic control standards;
5. Obtain written approval from the abutting property owner if the encroachment encroaches on abutting property owned by someone other than the permittee.
6. Upon notice from the Town, repair any aspect or condition of the encroachment that causes danger or hazard to the traveling public;
7. Remove the encroachment at the permittee's expense and restore the right-of-way to its original or better condition if the Town cancels the encroachment permit, and terminates all rights under the permit;
8. Reimburse the Town for costs incurred or deposit with the Town money necessary to cover all costs incurred for activities related to the encroachment, such as inspections, maintenance activities, restoring the right-of-way to its original or better condition, removing the encroachment, or repair encroachment to originally permitted condition;
9. Notify a new owner to apply for an encroachment permit;
10. Apply for a new encroachment permit if the use of the permitted encroachment changes;
11. Keep a copy of the encroachment permit at the work site or site of encroachment activity;
12. Construct the encroachment according to the Towns requirements;
13. Obtain required permits from other government agencies or political subdivisions;
14. Remove any defective materials, or materials that fail to pass the Town's inspection, and replace with materials the Town specifies.

Right-of-Way Encroachment Permit Frequently Asked Questions

- ❖ **What is a right-of-way encroachment permit?** An encroachment permit is written permission to excavate or otherwise encroach within Dewey-Humboldt's right-of-way. A permit may be granted to the public utility, contractor or an individual. Permits are issued by the Public Works Department.
- ❖ **Why do I need a right-of-way encroachment permit?** A right-of-way encroachment permit is required per Town Code § 92.15. More specifically, this permit is to accommodate installation and placement of objects within Town Rights-of-Way while providing for the public health, safety and general welfare, and protecting the natural environment. The intent is to provide for public safety, improve traffic flow on streets and roads, and assure that such Rights-of-Way are free of physical obstructions. This is accomplished by establishing construction standards, based on sound engineering principles, to protect the physical integrity of streets, roads and other Rights-of-Way and their associated drainage systems.
- ❖ **When do I need a right-of-way encroachment permit?** A right-of-way encroachment permit is required anytime work is done within the Town right-of-way. Work includes, but is not limited to: a new driveway surface, mailbox, excavation, sign, post, landscaping, utility work, etc.
- ❖ **Do I still need a right-of-way encroachment permit if the encroachment is temporary?** A right-of-way encroachment permit is required for temporary and permanent structures.
- ❖ **How do I obtain a right-of-way encroachment permit?** A right-of-way encroachment permit can be obtained from Town Hall. Town Hall is located at 2735 South Highway 69, Humboldt, Arizona 86329.
- ❖ **How long does it take to obtain a right-of-way encroachment permit?** A right-of-way encroachment permit will take approximately 3 days to process as long as all required information is provided.
- ❖ **What type of information is required to process a right-of-way encroachment permit?** Besides the permit and fees, the applicant will be required to submit a site map. The site map shall contain the following information:
 - ❖ Printed On 8.5" X 11" Paper
 - ❖ Drainage Features (e.g., Roadside Ditch, Culvert)
 - ❖ A North Arrow
 - ❖ Location Of Proposed Encroachment
 - ❖ Approximate Scale
 - ❖ Dimensions To Adjacent Property Lines
 - ❖ Posted Speed Limit
 - ❖ Surface Material Noted (e.g., Concrete, Native)
 - ❖ Adjacent Property Lines
 - ❖ Amount Of Material To Be Moved – Cubic Yards
 - ❖ Encroachment Details
 - ❖ Name Of Preparer
 - ❖ Roads Labeled
 - ❖ Date Of Preparation

❖ Parcel Highlighted

❖ Book/Page Of Easement (If Applicable)

❖ Utilities

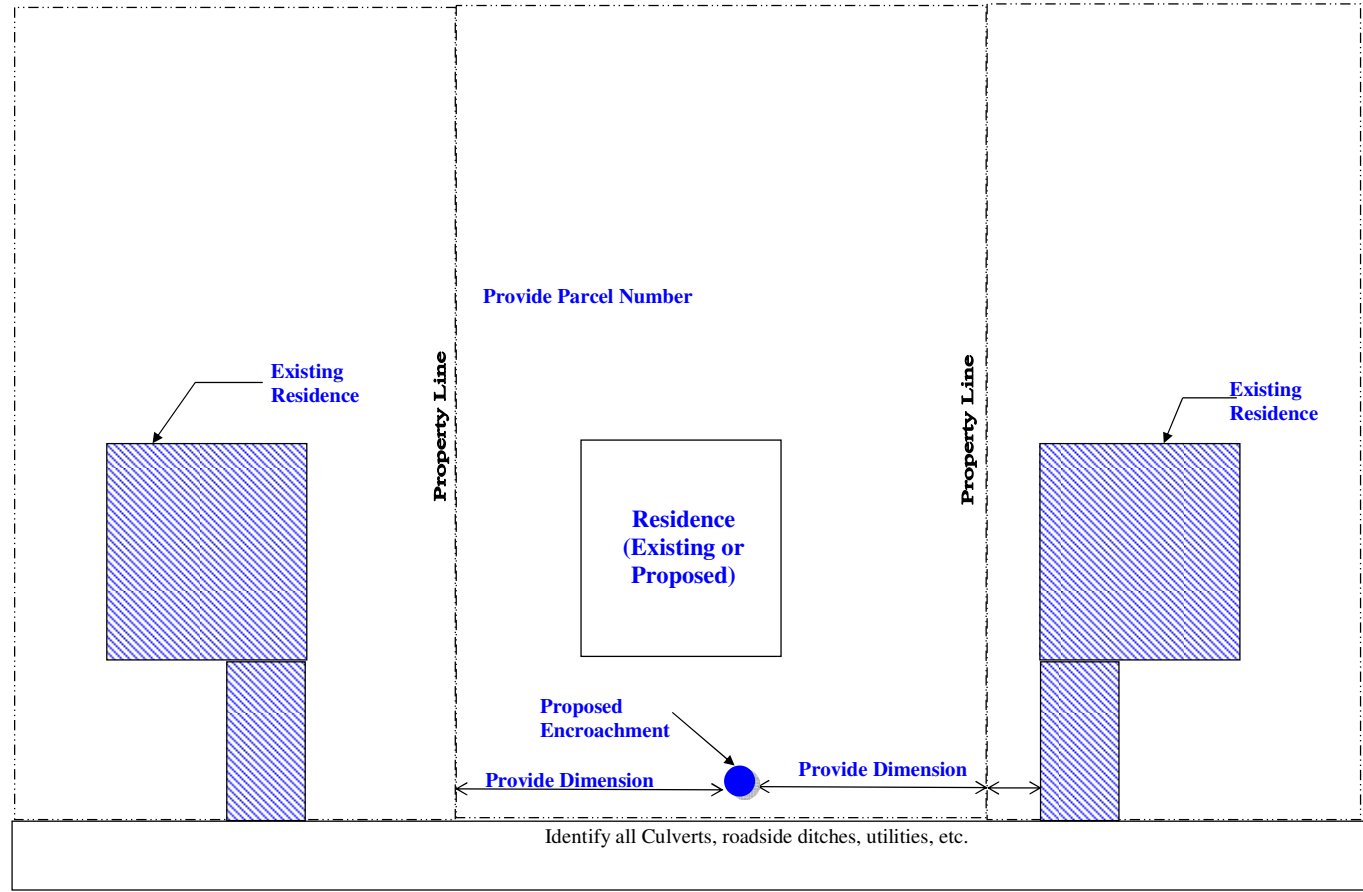
- ❖ **How much does a right-of-way encroachment permit cost?** The right-of-way encroachment permit fees are outlined on the permit. The fees were established by Town Council in Ordinance 10-68.
- ❖ **What if I do not have a right-of-way encroachment permit?** The penalty for establishing an encroachment point without a right-of-way encroachment permit is double the base amount. This penalty was established by Town Council in Ordinance 10-68.
- ❖ **Will the Town actively be pursuing parcels that do not currently have right-of-way encroachment permits?** No, the Town passively enforces right-of-way encroachment permits. The Town will require right-of-way encroachment permits during the course of a code enforcement complaint, during an application for other permits (building, conditional use), new encroachment establishment observed by Town staff, and other activities that bring the violation to staff's attention.
- ❖ **Do I need a right-of-way encroachment permit if the previous owner of my parcel already obtained the permit?** No, a right-of-way encroachment permit is valid for the life of the parcel. However if the encroachment is modified in any way that varies from the initial intent the permit may need to be reevaluated.
- ❖ **Do I need to hire a licensed contractor to perform the work within the right-of-way?** A licensed contractor is required to complete the work within the right-of-way due to liability and insurance requirements. A list of registered contractors is available at <http://www.azroc.gov/>
- ❖ **What if the Town needs the right-of-way after an encroachment is built?** The General Obligations and Responsibilities that are attached to the permit require the permittee to remove the encroachment at the permittee's expense and restore the right-of-way to its original or better condition if the Town cancels the encroachment permit, and terminates all rights under the permit.

Right-of-Way Encroachment Permit Sample Site Plan

Instructions for Drawing a Plot/Site Plan

- ❖ Printed On 8.5" X 11" Paper
- ❖ A North Arrow
- ❖ Approximate Scale
- ❖ Posted Speed Limit
- ❖ Adjacent Property Lines
- ❖ Encroachment Details
- ❖ Roads Labeled
- ❖ Parcel Highlighted
- ❖ Utilities
- ❖ Drainage Features (e.g., Roadside Ditch, Culvert)
- ❖ Location Of Proposed Encroachment
- ❖ Dimensions To Adjacent Property Lines
- ❖ Surface Material Noted (e.g., Concrete, Native)
- ❖ Amount Of Material To Be Moved – Cubic Yards
- ❖ Name Of Preparer
- ❖ Date Of Preparation
- ❖ Book/Page Of Easement (If Applicable)

SITE PLAN MAY BE
 NEATLY HAND DRAWN



**Encroachment
 Site Plan**

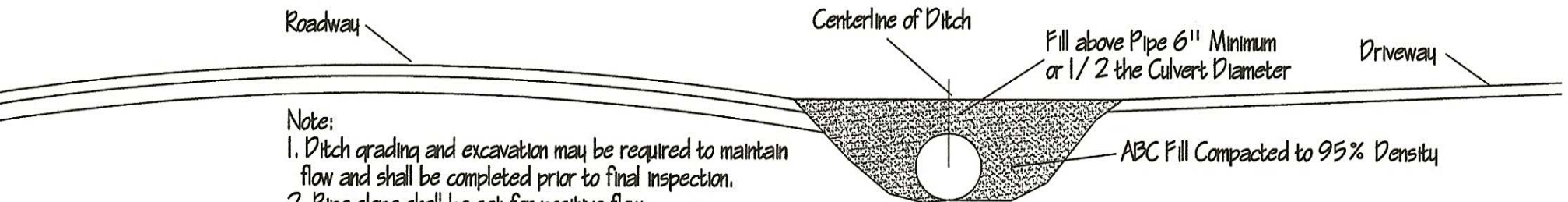
RIGHT-OF-WAY ENCROACHMENT SITE PLAN

SCALE: 1" = 20'-0"



Town of Dewey-Humboldt

Typical Culvert Installation



Note:

1. Ditch grading and excavation may be required to maintain flow and shall be completed prior to final inspection.
2. Pipe slope shall be set for positive flow.
3. Culvert size and slopes will be specified by the Town of Dewey-Humboldt for each location.
4. Fill around pipe shall meet YAG Standards for ABC.
5. Fill shall be compacted to 95% density.